

DEPARTMENT OF STATE POLICE

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL

MICHIGAN LAW ENFORCEMENT OFFICER RECERTIFICATION
PART 4. RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
AND EXPERIENCE

**** Draft - Revisions****

~~(By authority conferred on the law enforcement council by section 9 of Act No. 203 of the Public Acts of 1965, as amended, being S28.609 of the Michigan Compiled Laws)~~

~~R 28.4151~~ **R 28.14401 Definitions.**

Rule 4 401. As used in these rules this part:

(a) ~~"Act" means Act No. 203 of the Public Acts of 1965, as amended, being §28.601 et seq. of the Michigan Compiled Laws.~~

(b) ~~"Basic police training program" means the program of studies defined in R 28.4360 to R 28.4366.~~

(c) ~~"Certified as a police officer" means a person who has met all selection, employment, training, or waiver of training standards and who is approved by the training council or pursuant to the act to exercise the authority of a police officer.~~

(d) ~~"Chief hearing officer" means a person who regulates the hearing proceedings when more than 1 hearing officer is designated.~~

(e) ~~"Contested case" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~

(f) ~~"Employment" means the offering of a service of labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the fair labor standards act of 1938, as amended (29 U.S.C. §206, et seq.).~~

(g) ~~"Full police powers" means an individual has the authority to enforce the general criminal statutes of the state.~~

(a) **"PROGRAM" MEANS BOTH THE CURRICULUM COMPONENT AND THE WRITTEN AND SKILL PERFORMANCE EXAMINATIONS COMPONENT OF THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM.**

(h) ~~"General criminal laws" means laws that classify an action as a misdemeanor or felony punishable by fine or imprisonment and have general applicability as opposed to regulation of a particular class.~~

(i) ~~"Hearing officer" means a person responsible for conducting hearings on matters within the agency's jurisdiction.~~

(j) ~~"Minimum employment standards" means the recruitment, selection, EMPLOYMENT, training, and appointment standards defined in R 28.4102 to R 28.4108.~~

(k) ~~"Other organization" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.~~

~~—(l) "Police force" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.~~

~~(m) "Re-certified as a law enforcement officer" means a person who has completed all the requirements for recertification.~~

~~(n b) "Standard setting POST agency" means a THE state PEACE OFFICER STANDARDS AND TRAINING agency, OR AGENCIES, IN A STATE OTHER THAN MICHIGAN, THAT IS authorized by THAT STATE'S statutes LAWS to promulgate ESTABLISH training and employment rules for the certification OR LICENSING of law enforcement officers IN THAT STATE.~~

~~(2) The terms defined in the act have the same meanings when used in these rules.~~

~~R-28.4152 R 28.14402 Waiver training program; application~~ RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM; BASIC PROGRAM ELIGIBILITY.

~~Rule 2 402. An employing agency, or a person who was certified as a police officer by an appropriate state standard setting agency in Michigan or another state, is required to submit a letter requesting an application for enrollment in a waiver of training program to be considered for a waiver of training test. A PERSON ENROLLING IN THE RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM SHALL SUBMIT A COMPLETE APPLICATION FOR ENROLLMENT TO THE COMMISSION PRIOR TO CONSIDERATION FOR ACCEPTANCE INTO THE PROGRAM.~~

~~R-28.4153 R 28.14403 Waiver~~ RECOGNITION of PRIOR training AND EXPERIENCE program; FORMER MICHIGAN OFFICER candidate qualifications.

~~Rule 3 403. A PERSON WHO WAS PREVIOUSLY CERTIFIED OR LICENSED AS A LAW ENFORCEMENT OFFICER IN MICHIGAN SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS FOR ADMISSION TO THE PROGRAM.~~

~~(1) A person previously certified as a police officer in Michigan shall meet all of the following requirements to qualify for admission to the waiver of training program.~~

~~(a) Discontinuance in employment WITH FULL EMPOWERMENT as a police LICENSED MICHIGAN LAW ENFORCEMENT officer for a period of time in excess of that provided for in section 9-(1)(d)(i), (ii), or (iii) 9(2) of the act, BEING MCL 28.609(1)(d) 28.609(2).~~

~~(b) Can reasonably REASONABLY expect to meet the minimum SELECTION AND employment requirements of R-28.4102, except for sections (j), AND (k), (l), and (m) R 28.14202(a) to (j), EXCEPT FOR (g) AND (i), AND R-28.4102A R 28.14203.~~

~~(c) THE SEPARATION FROM EMPLOYMENT AS A LAW ENFORCEMENT OFFICER SHALL HAVE BEEN UNDER SUCH CONDITIONS THAT QUALIFY THE CANDIDATE FOR EMPLOYMENT IN MICHIGAN AS A LAW ENFORCEMENT OFFICER.~~

~~(23) A person, who is or was certified as a police officer, as defined in another state, shall meet all of the following requirements to qualify for admission to the waiver of training program:~~

~~—(a) Complete a state recognized basic training program or be employed before the establishment of training standards.~~

- ~~—(b) Have been employed as a police officer for a minimum of 1 year.~~
- ~~(c) Can reasonably expect to meet the current minimum employment standards of R 28.4102 except for sections (j), (k), (l), and (m).~~
- ~~—(d) Have currently secured or anticipate employment within 12 months of the start of training or taking the test, whichever occurs first.~~
- ~~(e) If unemployed as a law enforcement officer, the separation shall have been under such conditions which qualify for rehiring in that state, unless that training standard exceeds Michigan's.~~
- ~~—(3) A person previously certifiable, based on compliance with pre-service requirements IN THESE RULES, shall meet all of the following requirements to qualify for admission to the waiver of training program.~~
 - ~~(a) Pass the council's physical performance skills test.~~
 - ~~(b) Pass the council's reading and writing skills test.~~
 - ~~—(c) Can reasonably expect to meet the current minimum employment standards (a) to (i) in R 28.4102.~~

~~R 28.4153A~~ R 28.14404 RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM; NON-MICHIGAN OFFICER CANDIDATE QUALIFICATIONS.

Rule 3A 404. A PERSON WHO IS OR WAS PREVIOUSLY CERTIFIED OR LICENSED AS A LAW ENFORCEMENT OFFICER BY A POST AGENCY IN ANOTHER STATE SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS FOR ADMISSION TO THE PROGRAM:

- (a) HAVE COMPLETED A POST AGENCY BASIC LAW ENFORCEMENT TRAINING PROGRAM RECOGNIZED BY THE COMMISSION OR HAVE BEEN EMPLOYED AS A LAW ENFORCEMENT OFFICER BEFORE THE ESTABLISHMENT OF TRAINING STANDARDS IN THAT STATE.
- (b) HAVE BEEN EMPLOYED AS A LAW ENFORCEMENT OFFICER EMPOWERED TO ENFORCE ALL OF THE GENERAL CRIMINAL LAWS IN THAT STATE AND HAVE ACTED IN THAT CAPACITY FOR A MINIMUM OF 2080 HOURS FOLLOWING THE DATE OF CERTIFICATION OR LICENSING.
- (c) REASONABLY EXPECT TO MEET THE CURRENT SELECTION AND EMPLOYMENT STANDARDS OF R 28.14202(a) TO (j), EXCEPT FOR (g) AND (i), AND R 28.14203.
- (d) IF NOT CURRENTLY EMPLOYED AS A LAW ENFORCEMENT OFFICER, THE SEPARATION FROM EMPLOYMENT AS A LAW ENFORCEMENT OFFICER SHALL HAVE BEEN UNDER SUCH CONDITIONS THAT QUALIFY THE CANDIDATE FOR EMPLOYMENT IN MICHIGAN AS A LAW ENFORCEMENT OFFICER.

~~R 28.4153B~~ R 28.14405 RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM; MICHIGAN INDIAN TRIBAL LAW ENFORCEMENT OFFICER CANDIDATE QUALIFICATIONS

RULE 3B 405. A PERSON WHO INTENDS TO PARTICIPATE IN THE RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM BY VIRTUE OF EMPLOYMENT AS A MICHIGAN INDIAN TRIBAL LAW ENFORCEMENT OFFICER SHALL COMPLY WITH ALL OF THE FOLLOWING:

(a) HAVE SUCCESSFULLY COMPLETED A BASIC LAW ENFORCEMENT TRAINING PROGRAM RECOGNIZED BY A POST AGENCY IN ANOTHER STATE, OR A FEDERALLY OPERATED POLICE TRAINING SCHOOL THAT WAS SUFFICIENT TO FULFILL THE MINIMUM STANDARDS REQUIRED BY FEDERAL LAW TO BE APPOINTED AS A LAW ENFORCEMENT OFFICER OF A MICHIGAN INDIAN TRIBAL POLICE FORCE.

(b) BE CURRENTLY EMPLOYED OR HAVE BEEN EMPLOYED AS A LAW ENFORCEMENT OFFICER OF A MICHIGAN INDIAN TRIBAL POLICE FORCE FOR NOT LESS THAN 1 YEAR AND EMPOWERED TO ENFORCE THE CRIMINAL LAWS AND HAVE ACTED IN THAT CAPACITY FOLLOWING THE DATE OF APPOINTMENT.

(c) REASONABLY EXPECT TO MEET THE CURRENT SELECTION AND EMPLOYMENT STANDARDS OF R 28.14202(a) TO (j), EXCEPT (g) AND (i), AND R 28.14203.

(d) IF NOT CURRENTLY EMPLOYED AS A LAW ENFORCEMENT OFFICER, THE SEPARATION FROM EMPLOYMENT AS A LAW ENFORCEMENT OFFICER SHALL HAVE BEEN UNDER SUCH CONDITIONS THAT QUALIFY THE CANDIDATE FOR EMPLOYMENT IN MICHIGAN AS A LAW ENFORCEMENT OFFICER.

~~R-28.4153~~ R 28.14406 RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM; PRE-SERVICE RECRUIT CANDIDATE QUALIFICATIONS.

RULE ~~3~~ 406. A PERSON WHO INTENDS TO PARTICIPATE IN THE RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM BY VIRTUE OF HAVING BEEN PREVIOUSLY ELIGIBLE FOR LICENSING, BASED ON COMPLIANCE WITH THE PRE-SERVICE REQUIREMENTS IN THESE RULES, SHALL REASONABLY EXPECT TO MEET THE CURRENT SELECTION AND EMPLOYMENT STANDARDS IN R 28.14202 AND R 28.14203 UPON EMPLOYMENT AS A LAW ENFORCEMENT OFFICER.

~~R-28.4154~~ R 28.14407 ~~Waiver of training program~~ COMPLETION REQUIREMENTS; ~~time for completion~~ LIMITS; extension.

Rule ~~4~~ 407. (1) A candidate authorized to attend the RECOGNITION ~~waiver~~ of PRIOR training AND EXPERIENCE program shall ~~attend~~ START THOSE COMPONENTS OF the ~~training~~ PROGRAM REQUIRED OF THE CANDIDATE ~~and pass the required tests~~ within 3 months of receiving approval to enroll. FAILURE BY A CANDIDATE TO COMPLY WITH THIS REQUIREMENT SHALL REQUIRE THE CANDIDATE TO REAPPLY FOR ADMISSION TO THE PROGRAM.

(2) UPON ENROLLMENT, THE CANDIDATE SHALL EXECUTE THE COMMISSION'S AFFIDAVIT.

(3) For good cause, ~~council~~ THE COMMISSION ~~staff~~ may waive the time requirements and grant one 3 month extension ON AN APPROVED APPLICATION.

~~(2 4)~~ A candidate who does not complete the program within 3 months of ~~approval to enroll~~ shall submit a new application. THE START OF THE PROGRAM SHALL BE REQUIRED TO REAPPLY FOR ADMISSION TO THE PROGRAM, EXCEPT AS PROVIDED IN R 28.14410(5).

~~R-28.4155~~ R 28.14408 ~~Waiver~~ RECOGNITION of PRIOR training AND EXPERIENCE program; hours; content, and scope AND REQUIREMENTS; modification.

Rule 5 408. (1) The ~~Waiver~~ RECOGNITION of PRIOR training AND EXPERIENCE program CURRICULUM COMPONENT CONTENT shall be ~~not less than 40 hours~~ SET BY THE COMMISSION. ~~At a minimum, the content and scope of the program shall include all of the following areas:~~

- ~~—(a) Criminal law and procedures.~~
- ~~—(b) Motor vehicle traffic code and related statutes.~~
- ~~—(c) Firearm proficiencies with a hand gun and familiarization with a shotgun.~~
- ~~—(d) Defensive tactics SUBJECT CONTROL.~~
- ~~—(e) First aid training.~~
- ~~—(f) Precision driving.~~
- ~~(f) Written and performance tests.~~

(2) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR THE CURRICULUM COMPONENT OF THE PROGRAM WITH RESPECT TO THE FOLLOWING:

- (i) CRITERIA AND QUALIFICATION FOR EXEMPTION.
- (ii) ATTENDANCE AND PARTICIPATION.
- (iii) TESTING AND TESTING STANDARDS.

(3) The content and scope of the ~~Waiver~~ CURRICULUM COMPONENT RECOGNITION of PRIOR training program may be modified BY THE COMMISSION as ~~conditions warrant~~ WARRANTED.

~~R-28.4156~~ R 28.14409 DEMONSTRATE competence ON LICENSING and performance examinations.

(1) Rule 6 409. (1) ~~Written examinations~~ THE LICENSING EXAMINATION shall be administered by the ~~council~~ COMMISSION staff to determine ~~the~~ THAT A candidate's CANDIDATE POSSESSES MINIMUM competence in the functional areas defined in the ~~basic police training program~~ COMPETENCIES REQUIRED FOR LICENSING.

(2) Performance examinations ~~may~~ SHALL be administered ~~for firearms, defensive tactics, precision driving, and other skills~~ AS DEEMED APPROPRIATE BY THE COMMISSION TO ASSESS A CANDIDATE'S COMPETENCE IN SKILL AREAS.

(3) ~~Competency~~ COMPETENCE shall be demonstrated on each ~~test~~ EXAMINATION to successfully complete the ~~waiver~~ RECOGNITION of PRIOR training AND EXPERIENCE program.

(4) ADMINISTRATION OF A SKILL PERFORMANCE EXAMINATION SHALL CONFORM TO THE PROCEDURES USED IN THE RECRUIT TRAINING PROGRAM AS SPECIFIED IN THE POLICIES AND PROCEDURES MANUAL, PUBLISHED PURSUANT TO R 28.14210.

~~R-28.4157~~ R 28.14410 EXAMINATION PROTOCOLS; Retests FIRST ASSESSMENT; SECOND ASSESSMENT; limitations; failure.

Rule 7 410. ~~(1) A written test or skill performance test may be retaken at a time and place that is mutually agreeable by applicant and council staff.~~

~~(a) All retests shall be at the expense of the applicant.~~

~~(2) 1) A person IN THE RECOGNITION OF TRAINING AND EXPERIENCE PROGRAM who fails the written test FIRST ASSESSMENT OF THE LICENSING EXAMINATION or the performance or both, is limited to one written and 1 performance retest ELIGIBLE FOR A SECOND ASSESSMENT within the time limits provided in R 28.4154 R 28.14407.~~

(2) A PERSON WHO FAILS THE FIRST ASSESSMENT OF A PERFORMANCE EXAMINATION IN A SKILL AREA IS ELIGIBLE FOR A SECOND ASSESSMENT IN A FAILED SKILL AREA WITHIN THE TIME LIMITS PROVIDED IN R 28.4154 R 28.14407.

(3) A SECOND ASSESSMENT ON THE LICENSING EXAMINATION OR IN A SKILL AREA SHALL BE AT THE EXPENSE OF THE APPLICANT.

(4) A person who fails a retest SECOND ASSESSMENT ON THE LICENSING EXAMINATION OR FAILS 2 OR MORE SKILL AREAS shall be required to ENROLL IN AND successfully complete the Michigan basic police LAW ENFORCEMENT training program IN ORDER to be employed AND ACTIVATED as a law enforcement officer.

(5) A PERSON WHO FAILS A SECOND ASSESSMENT IN NO MORE THAN ONE SKILL AREA MAY, AT THE PERSON'S OPTION, DO ALL OF THE FOLLOWING TO COMPLETE THE REQUIREMENTS OF THE FAILED SKILL AREA:

(a) APPLY FOR ENROLLMENT AND BE ACCEPTED IN A REGULAR BASIC TRAINING SESSION AT A MICHIGAN BASIC POLICE TRAINING ACADEMY FOR TRAINING AND TESTING IN THE FAILED SKILL AREA. AN ACADEMY MAY DECLINE AN ENROLLMENT REQUEST. THE COSTS RELATED TO ENROLLMENT IN AN ACADEMY SHALL BE AT THE EXPENSE OF THE APPLICANT OR THE EMPLOYER.

(b) COMPLY WITH ALL OF THE ACADEMY AND COMMISSION ENROLLMENT REQUIREMENTS.

(c) COMPLY WITH AND SUCCESSFULLY COMPLETE ALL OF THE ACADEMY ATTENDANCE, PARTICIPATION, AND TESTING REQUIREMENTS IN THE FAILED SKILL AREA.

(d) SUCCESSFULLY COMPLETE THE RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM, INCLUDING THE REQUIREMENTS OF THIS SUBRULE, WITHIN 1 YEAR OF THE START OF THE PROGRAM.

~~R 28.4158 R 28.14411~~ Responsibilities of employing agency.

Rule 8 411. Before ~~employing~~ PERMITTING a candidate A PERSON who has passed SUCCESSFULLY COMPLETED the ~~waiver~~ RECOGNITION of PRIOR training AND EXPERIENCE program TO WORK AS A LAW ENFORCEMENT OFFICER, ~~the~~ AN employing agency shall ~~do all of the following~~ ACTIVATE THE INDIVIDUAL AS A LAW ENFORCEMENT OFFICER, PURSUANT TO R 28.14204.

~~(a) Fulfill the requirements of R 28.4103, except as otherwise specified in these rules.~~

~~(b) Notify the council in writing of it's intent to employ a candidate who has passed the waiver of training program.~~

~~(c) Submit forms which are prepared and furnished by the council and which detail documented compliance with employment and training rules.~~

~~R 28.4159 Recertification.~~

~~—Rule 9. Upon completion of the recertification process (waiver of training program), which includes passing the waiver of training tests and employment as a law enforcement officer, the candidate shall be classified as a re-certified law enforcement officer.~~

~~R 28.4160 R 28.14412 Organizations presenting REQUEST TO CONDUCT THE Waiver RECOGNITION of PRIOR TRAINING AND EXPERIENCE program; minimum instructor qualifications.~~

~~Rule 40 412. (1) Any organization AN ACADEMY that has been approved by the council COMMISSION to present CONDUCT the basic police LAW ENFORCEMENT training program may apply FOR APPROVAL to present CONDUCT the waiver RECOGNITION of PRIOR training AND EXPERIENCE program. The council COMMISSION may solicit additional organizations ACADEMIES TO CONDUCT THE PROGRAM.~~

~~(2) The minimum qualifications for instructing in the waiver of training program are the same as those prescribed for the basic police LAW ENFORCEMENT training program.~~

~~(3) AN ACADEMY APPROVED TO CONDUCT THE RECOGNITION OF PRIOR TRAINING PROGRAM SHALL ANNUALLY SUBMIT AN OPERATING PLAN TO THE COMMISSION FOR APPROVAL. THE PROGRAM SHALL NOT BE RUN UNTIL THE OPERATING PLAN IS APPROVED AND AN OPERATING AGREEMENT IS IN PLACE.~~

~~R 28.4161 Training costs; reimbursement by council.~~

~~—Rule 11. (1) The costs for tuition and supplies shall be paid by the employing agency or, if not employed by an agency, by the individual.~~

~~—(2) The council may reimburse an employing agency for tuition, supplies, and live-in costs on a prorated basis of what is currently paid for those attending the basic police training program.~~

~~R 28.4162 R 28.14413 Expiration of waiver ELIGIBILITY FOR LICENSING; extension.~~

~~Rule 42 413. (1) The waiver of training shall expire 12 months after the start of the training program or taking the waiver test, whichever occurs first, unless the person is regularly employed as a Michigan police officer or the employing agency certifies to the council that all selection qualifications listed in R 28.4102, except subsections (j), (k), (l), and (m) have been met.~~

~~(1) ELIGIBILITY FOR ACTIVATION AS A LAW ENFORCEMENT OFFICER FOR A PERSON ADMITTED TO THE RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM UNDER R 28.14403 TO R 28.14406 SHALL EXPIRE 12 MONTHS AFTER THE COMPLETION OF THE PROGRAM OR THE FIRST ASSESSMENT ON THE LICENSING EXAMINATION, WHICHEVER COMES FIRST.~~

~~(2) For good cause, the Executive Secretary DIRECTOR may waive the time requirements and grant one 3-month extension.~~

(3) A PERSON WHO SUCCESSFULLY COMPLETES THE PROGRAM, AND IS ACTIVATED AS A LAW ENFORCEMENT OFFICER WITHIN THE ELIGIBILITY PERIOD, SHALL SUBSEQUENTLY BE SUBJECT TO TIME CONDITIONS AS PROVIDED FOR IN SECTION ~~9(1)(d)(i), (ii), OR (iii)~~ 9(2) OF THE ACT, BEING MCL ~~28.609(1)(d)~~ 28.609(2).

~~R 28.4163~~ R 28.14414 Program manual POLICIES AND PROCEDURES.

Rule ~~43~~ 414. The ~~council~~ COMMISSION shall prepare and publish a POLICIES AND PROCEDURES manual which is ARE consistent with ~~these~~ THE rules IN THIS PART and which shall govern the implementation and administration of the approved testing Waiver RECOGNITION OF PRIOR TRAINING AND EXPERIENCE program, ~~as well as procedures for conducting contested case hearings.~~ THE POLICIES AND PROCEDURES SHALL BE PART OF THE POLICIES AND PROCEDURES MANUAL PUBLISHED PURSUANT TO R 28.14210.

~~R 28.4164 Contested cases; compliance conferences and hearings.~~

~~—Rule 14. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~

~~—(2) The rules of practice as applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.~~

~~R 28.4165 Complaint.~~

~~—Rule 15. A complaint on a council policy or procedure shall be in writing, signed by the person making it, and filed with the council. A complaint is not open to public inspection until its validity is ascertained.~~

~~R 28.4166 Violations of act; investigations; complaints.~~

~~—Rule 16. The council or the executive secretary may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.~~

~~R 28.4167 Issuance of ex parte order denying right or privilege.~~

~~—Rule 17. (1) After an investigation of a complaint has been conducted, the council or executive secretary may issue an ex parte order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.~~

~~—(2) The taking of emergency action shall not affect the impartiality of the council in its receipt and consideration of the evidence.~~

~~R 28.4168 Contested cases; appointment of hearing officer; chief hearing officer.~~

~~—Rule 18. (1) The council chairperson shall appoint a person or persons to be a hearing officer.~~

~~—(2) When 2 or more persons are appointed as hearing officers for a contested case, the council chairperson shall designate a chief hearing officer.~~

~~R 28.4169 Contested cases; notice of hearing.~~

- ~~—Rule 19. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.~~
~~—(2) Notice of a hearing shall be served not less than 20 days before the hearing.~~

~~R 28.4170—Contested cases; answers and amendments.~~

- ~~—Rule 20. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the council or executive secretary for good cause.~~
~~—(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.~~

~~R 28.4171—Contested cases; appearances at hearing.~~

- ~~—Rule 21. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.~~
~~(2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the council may proceed with the hearing on the evidence presented and make a decision.~~

~~R 28.4172—Contested cases; adjournment or continuance of hearing~~

- ~~—Rule 22. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the council not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5-day limit. Notice of action on the request for adjournment shall be given to the parties.~~

~~R 28.4173—Contested cases; stipulations.~~

- ~~—Rule 23. The parties to any contested case hearing before the council may, by stipulation in writing filed with the council, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to agree upon the facts when practicable.~~

~~R 28.4174—Contested cases; depositions.~~

- ~~—Rule 24. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being rule 2.304 et seq., and all parties shall be given an opportunity to cross-examine the deponent under oath.~~

~~R 28.4175—Contested cases; decision.~~

- ~~—Rule 25. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.~~

~~R 28.4176—Rescission.~~

~~Rule 26. R 28.4201 to R 28.4206 of the Michigan Administrative Code appearing on pages 1 and 2 of the 1980 annual supplement to the 1979 Michigan administrative code, are rescinded.~~